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LETTER TO A. B. J.,

AUTHOR OF THE PAMPHLET ENTITLED

"THE UNION AS IT WAS

AND THE

CONSTITUTION AS IT IS."


by J. S. Millman



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LETTER.

NEW YORK, MARCH 16TH, 1863.

A. B. J——, Esq.

DEAR SIR: The pamphlet to which you referred in your note, as containing your political views, reached me sometime since, but unusual engagements have left me no opportunity to write you at an earlier day than this.

You are quite right in saying our views are diametrically opposite. I can hardly imagine two stand-points more widely apart, or inferences from facts and history more at variance than yours and mine. Yet each is trying to see the entire truth; to look it squarely in the face; to make logical deductions and form opinions to live by now and ever. Perhaps religious diversities—strange and manifold doctrines, absurd and rational, drawn from the same fountain-head of spiritual know-

ledge—furnish the best parallel to this contrariety of political creeds, springing from our common history and national institutions. This may be fortunate for the self-esteem of the individual, however disastrous to truth, patriotism or religion in the community. Only the man who holds his opinions strongly, (whether right or wrong intrinsically,) will ever trouble himself to saturate the world with his thoughts. Thus is sown broadcast, error and truth, wisdom and folly, light and darkness. He is lucky who can winnow out the tares, and “shoot folly as it flies.” I sincerely invoke the spirit of the motto you adopt :

“ O wad some power the giftie gie us
 To see oursels as others see us !
 It wad frae monie a blunder free us
 And foolish notion.”

I think, however, I should hardly venture to write to you on this subject if I had not lived with slavery and seen it *at home*. More than twenty years ago I passed two or three years in Florida. I have therefore seen the institution domesticated. I have witnessed its effects alike on the white and on the black race, and I really believe the more malignant and deteriorating influences of slavery are to be found among the

white, brutalizing as they are on the black man. I am tempted, with these convictions, to examine somewhat at length the views set forth in your pamphlet.

It is hardly worth while, perhaps, to more than allude to your verbal criticism on "causeless war," "beneficent Government," and so on, as you must be aware that such-like phrases of the newspapers convey a distinct and definite idea to the popular mind. For instance, everybody understands that no *justifiable cause* for the war was created by the constitutional election of President Lincoln; everybody knows, too, that if the South has not found ours a "beneficent Government" it is its own fault, since Southern men have controled its action four-fifths of the whole time we have been a nation. Passing over the opening of your pamphlet, with these few words, let me try to comprehend the principle which underlies your subsequent pages.

You say, "the true cause of our present troubles dates back to the formation of the Union under its existing Constitution, the States now in revolt desiring no Constitution unless it should *secure all rights of independent sovereignty to each.*"

Now, as I read the history of the adoption of the Constitution of the United States, the States in re-

bellion, or rather the *people* of those States, (with the exception of one State,) readily accepted the Constitution under which we now live, without any such provision of *independent sovereignty*; while in several of the Northern States, the people warmly opposed its adoption for months. It was the *North* and not the South, which objected to the Constitution. Neither did the North oppose the amendment of the Constitution by which "the powers not delegated to the United States, are reserved to the States respectively, or to the people."

Thus it appears, that the Southern States were eager to embrace the original Constitution without suggesting an amendment, much less proposing "all rights of independent sovereignty to each State." An idea, in fact, quite absurd on the face of it. How could a State, subject to the Constitutional restrictions of a General Government, be in any sense an *independent sovereignty*? Yet this is the rock on which the South has split. Universal control or Independent Sovereignty has been its aim. These are thoughts which have seduced our "wayward sisters" into habits of habitual intemperance of word and deed, and threaten their ultimate ruin.

Again, you say—"the North, favoring in the General Government a centralization of all powers, and the South favoring in the Government such

powers only as the States severally cannot exercise beneficially for themselves; hence the South desired a Constitution which could not be enlarged by construction." Yet on the next page, you admit, that "the purchase of Louisiana from France, in 1803, was opposed by an almost undivided North: and so, also, was opposed the acquisition of Florida, in 1821, and of Texas in 1845."

Now, sir, you must remember that Jefferson himself admitted there was no express constitutional power authorizing the Government to buy Louisiana. He justified it on the ground of expediency alone. It was necessary, he argued, to hold the mouths of the Mississippi, if we would control the trade of "the Father of Waters." But the strict constructionist of the North said, no, not even for a world of gain, will we stretch the Constitution beyond its letter and spirit. The latitudinarians of the South, however, had no doubts, no strict-construction theory to interfere with their urging the purchase. Nor had they any scruples in the case of Florida, much less in that of Texas, from whose Territory, *though then free*, they insisted on providing for the admission of four Slave States into the Union! How seriously this statement conflicts with your's, is but too evident from the following quotation: "The North," you say,

“soon began to interpret the Constitution latitudinously, and the South restrictively. Nor are the motives of either section speculative merely; the North is commercial, manufactural and enterprising, and hence desires a protective tariff, a protective navy, fishing bounties, and the construction or improvement, by the General Government, of rivers, roads, canals, and harbors; while the South is agricultural, and hence desires free trade.”

The foregoing paragraph, in my view, contains several fallacies:

1st. The North did not so construe the Constitution, but endeavored to guard against such construction on the part of the South.

2d. The North and West are vastly *more* agricultural than the South, as to extent, variety, and value of products. It was *slavery* not *agriculture* the North aimed to restrict.

3d. The “protective navy” protected the name and the fame of America the world over: it protected alike Southern and Northern ports; it protected and supported, also, large numbers of officers from Southern States.

4th. The protective tariff originated at the South. It was warmly advocated by John C. Calhoun: it cheapened to the Southern consumer,

every article protected : it opened a large Northern market for Southern cotton : it compelled the South, from economic motives, to buy of the North rather than of Europe—this last was a grave offence !

Let this brief summary suffice. Your own fair judgment, and ample knowledge, will extend the cases almost indefinitely. I cannot refrain, however, from recurring to a new agricultural product of Illinois—one of the most prosperous and important of our Western States. During the past year 7,500,000 gallons of sorghum syrup have been produced there ; of which three thousand barrels have been sent from Quincy, in that State, to Missouri and Kentucky. Who can doubt that in five years, or less, Illinois will supply itself with sugar from free labor, and export largely besides ?

AS TO THE TERRITORIES.

You say, “Congress persistently interdicted the migration into the Territories of any Southern slave, making all free whom their masters should bring there.”

I regard it a work of supererogation, on the part of Congress, to declare negroes free, whom their masters should take from a slave State into

a free Territory. For the simple reason, that it was only by virtue, (or force,) of the law in such State that the negro was held in bondage. Just as soon as he was voluntarily taken beyond the limit of the slave State, and placed on free soil, his fetters dropped off! Do you ask why,? Simply, because there was no law there to hold them on.

The Territories belonging to the United States are governed only by laws and rules enacted by the Congress of the United States. The Constitution, so far from giving Congress power to enslave a human being, has not even the word slavery in that instrument. The only indirect reference to the subject being in that portion on which the odious fugitive slave law was founded. A negro, therefore, who was a slave in Louisiana, on being taken to one of our Territories by his master, became instantly *free*, because neither Congress, nor Louisiana had the power to re-shackle the man on free soil. The natural rights of manhood were thus achieved. God never made a slave! Man only boasts the hateful prerogative. In the absence of man's law, therefore, a human being, black or white, is a *free man*, and not a slave!

It has been speciously argued, I know, that we of the North deprive the South from taking their pro-

perty into our common Territories, while we carry ours there without obstruction or qualification.

Now, in fact, we extend the same rights and privileges to the South that we claim for the North. The slave is the product of slave laws; of course, enacted in a slave State. The slave is not property by the common, the universal consent of mankind. He is only made so by local, special legislation. He can consequently be held and recognized as such only within the legitimate scope of such law. The moment he is taken beyond the sphere of slave-law he is free. England declared, long ago, the principle that "free soil makes free men!" The Southerner cannot take his "peculiar institution" where there is no peculiar law to guarantee his peculiar claim. In this respect he does not differ from the Northerner. Either can take into the free Territories what all mankind, by universal consent, admit to be property. But neither can take more. For instance, the New Yorker cannot take the Free Banking Laws of his State into a Territory of the United States; nor can the Massachusetts man carry there the laws of his State in regard to manufacturing, or any other local institution.

The North and the South stand on precisely the same ground. There is perfect equality if the

slave is excluded, but there would not be if he were compelled to wear his shackles on free soil. Our free Territories are governed, neither by the laws of South Carolina nor Connecticut, but by rules and regulations adopted by the Congress of the United States, in which free and slave States are duly represented. It is idle to talk, therefore, of any injustice or hardship towards citizens of the South, when they enjoy all the rights and privileges in the Territories which have ever been claimed or exercised by citizens of the North.

You state, substantially, on page 9, that the South purposely aided in the election of Mr. Lincoln, yet "resolving that if Northern success should prove that the existence of the South in the Confederacy could be thus ignored, the South would in turn ignore the Confederacy." What is this but a premeditated, deep-laid conspiracy to destroy the Government if not permitted to rule? Mark the language, too: "The Confederacy!" which not only has a bad odor, but, under the Constitution, no meaning whatever. It is true "*The Union*" was formed under the old confederation; but the Constitution of the United States was formed *by the people*, and not by a Confederation of States. This form of speech, with such motives of action,

ignores our nationality, annuls our Constitution, and would blot out more than eighty years of American history.

General Jackson foretold this Rebellion, when, in 1833, after putting down Nullification, he said, "the tariff was only the pretext, and disunion and a Southern Confederacy the real object. The next pretext will be the negro, or the slavery question." He knew the Southern character, and this remark of his is more a deduction than a prophecy. Yet it is true in either sense. The conflict is begun. The deliberate conspiracy which was shadowed forth at Richmond and Charleston, took form at Sumter. It is interesting, now, to see that those who have played the *Jeremiah* did behold the shadows of coming events. Indeed, the aggressions of the slave power, made it plain to those who were not prophets, that wrong too oft repeated must lead to blows. The South disregarded, again and again, all constitutional restraints whenever they stood in the way of acquiring slave-territory by purse or sword. It attempted to thrust on Kansas the hated Lecompton Constitution. It repealed the Missouri Compromise against all honor and justice, taking for the South its part of the bargain, and then trying to steal the North's also. What retributive justice

may soon be administered by an Act of Emancipation in Missouri itself!

It is true a portion of the North has tried to check and combat this aggressive spirit. It has not disguised its hatred of slavery, its love of freedom; while the South has, first of all, loved slavery and despised restraint. Is it surprising that these opposite motives of action should fail to develop harmoniously? And yet, but for the violent attack on the life of the nation, at Charleston, no doubt the North would have borne and forborne with the insolence of the slave-power for many years to come. Such, however, had been the perversion of the Government of our fathers in favor of slavery, such the domination of slave-holders, that sooner or later the struggle for the mastery between freedom and oppression, must have come. I am thankful to have been permitted to see the beginning of it, and hope to see the end. As a just God rules the world, I cannot doubt the final success of the cause of Freedom.

Your pamphlet is entitled, "The Union as it was, and the Constitution as it is."

Perhaps the readiest way of catching a glimpse of "the Union as it *was*," is to ascertain the opinions, feelings, and views of those who formed the basis of our Government. I think the history of

that period shows, that *the Fathers* were impressed with one prevalent feeling and strong desire, viz. : that freedom might be universal in our land. They hoped slavery would gradually, and at no distant day disappear. Witness the Declaration of our Independence and the Constitution: they breathe the spirit of universal freedom, without one word in favor of slavery.

You remember, no doubt, the well known letter of Washington to Lafayette, in which he says: "Your purchase of an estate in the Colony of Cayenne, *with a view of emancipating the slaves*, is a generous and noble proof of your humanity. Would to God a like spirit might diffuse itself generally into the minds of the people of this country." Again, in a letter to John F. Mercer, Washington says: "I never mean, unless some particular circumstances compel me to it, to possess another slave by purchase; *it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law.*" Washington also directs, in his last will, as follows: "Upon the decease of my wife, it is my will and desire, that all my slaves, which I hold in my own right, shall receive their freedom." Thus emancipating all the slaves which his own act could free. It has been pertinently asked:—

“Would Washington have hesitated to do for his country, what he deemed it right to do for himself?”

Jefferson’s testimony against slavery was even still more emphatic, if possible. In a letter to M. Warville, written in 1788, he declares: “The whole commerce between master and slave is a perpetual exercise of the most boisterous passions; the most unremitting despotism on the one part, and degrading submissions on the other. * * * The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. * * * And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? *Indeed, I tremble for my country when I reflect that God is just: that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.* * * * But we must wait with patience the workings of an overruling

Providence, and hope that that is preparing the deliverance of these our suffering brethren. When the measure of their tears shall be full, doubtless a God of Justice will awaken to their distress, and by diffusing a light among their oppressors, *or at length by his exterminating thunder*, manifest his attention to things of this world, and that they are not left to the guidance of blind fatality." Behold the opinion of another Southern man, one who knew the force of language, and understood the subject he discussed. Could words be found more prophetic? Is not God manifesting "*his exterminating thunder*?"

The last public act of Benjamin Franklin was to sign, as President of an Abolition Society, a petition to Congress, dated 12th February, 1789, praying for the abolition of slavery, in the following terms:

"Your memorialists conceive themselves bound to use *all justifiable endeavors* to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the *restoration* of liberty to those unhappy men who alone, in this land of freedom, are degraded into perpetual bondage, and who,

amid the general joy of surrounding freemen, are groaning in servile subjection. *That you will devise means for removing this inconsistency from the character of the American people.* That you will promote *mercy* and *justice* towards this distressed race, and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow men."

James Monroe, too, in the Virginia Convention, denounced slavery as "an evil which has preyed upon the very *vitals* of the Union, and has been prejudicial to all the States in which it has existed."

The foregoing extracts from three Southern Presidents, and the wisest philosopher this country has produced, give us, I think, a clear idea of the spirit which animated the fathers of our Government. Freedom was the rule, slavery the exception.

Unluckily for the early extinction of slavery by that gradual decline they anticipated, Massachusetts, soon after the close of the Revolution, gave to the South the *cotton-gin*. This simple machine quadrupled the value of slave labor, as applied to cotton-growing. It increased the wealth, and in like measure the arrogance, of the slaveholders.

But for the recent unprovoked madness of that people, Whitney would seem to have postponed indefinitely the emancipation of the blacks. The power of that invention is now overcome by a Divine interposition in favor of the bondsman. Commerce has had her day. God's Justice cries for her's.

“THE CONSTITUTION AS IT IS.”

Your statement under this head must have been indited as the utterance of a South Carolina fanatic. “Rebels,” you say, “can be punished for their treason only by civil process, assisted, if necessary, by the militia, as a *posse comitatus*. The trial for their crimes must, however, be held in the State where the crimes have been committed,” &c.

In other words the Nation has no right to defend its life. The Constitution, you make, “a sword in the hands of the Rebels, but a fetter to us”—as Professor Parsons has happily expressed it. Pray what would have been the fate of a Judge and Jury in Charleston, attempting to try the Rebels who stormed and took Fort Sumter, at an odds of 800 to 80? “If these means failed,” you say, “none existed.” On being summoned, then, by a Rebel army, we had only to vacate Washington, Philadelphia, New York, and Bunker Hill in turn! and let Jeff. Davis take pos-

session of each and all. Is it possible you so interpret the constitutional obligations of our Government? Is the first law of nature—self-protection—binding on the individual, but not on the nation? Is that law abrogated by a written Constitution? Does “the Constitution’s lack of coercive power” leave the people of this country to the tender mercies of disappointed slave-holders? Have we of the North no rights of self-defense even? Have we nothing to do but “let the wayward sisters go,” taking with them what they please? You say, “let them alone, or declare war against them as a foreign enemy.” All *they* say is, “let us alone.” So says the burglar who has broken into your house, at midnight, and helped himself to your treasure. “Let me alone,” he says, “or I will take your life. I have not only got your family silver, but your pistols and ammunition, also. I will kill you, therefore, unless you let me go, plunder and all.” So the Rebels say—“All we ask is to be let alone; we trust the whole world knows this; especially we desire that England and France should understand it!”

No, sir, that is not the letter or spirit of “the Constitution as it is,” or “the Union as it was.” The Constitution is not a rope of sand—nor is

it freedom's halter. It was made to protect and not to oppress mankind. In that portion of our land, where all men have been secure in the enjoyment of their earnings, labor and enterprize have gone hand in hand, and their fruit has been abundant prosperity, moral, intellectual and material. While in that other portion, where the few have usurped the rights of the many, where toil was unrequited, and all manhood crushed out of the heart of the laborer, the standard of civilization has gradually sunk lower and lower. Keen-eyed retribution follows close on the oppressor. Slavery in this country has done more harm to the white man than to the black. It has couched the eye of the African and enabled him to catch glimpses of Christian truth and political rights; it has given him some faint notion of his proper manhood. On the other hand, unbridled power, lawless ambition, and uncontrolled sway over a subjected race, have lowered and degraded the white man. The slave has unconsciously avenged his wrongs on his white master, in the enslavement of that master to debasing passions, ungoverned will and heartless tyranny. Slavery is a violation of the principle on which free governments are based. It is no safer for governments, or communities, than for individuals to vio-

late principle. The fundamental principle of *universal justice* must be maintained inviolate, or the penalty is sure to be exacted sooner or later. Our fathers deviated from the exact line of right in their compromise with the evil—slavery. Behold the price we pay for that deviation! “All things whatsoever ye would that men should do to you, do ye even so to them.”

Perhaps you will say, “The Southerner *thinks* he is right—he is conscientious in this warfare.” But how can this be? He has a keen eye for political economy, he is educated in politics, he knows “all the tricks of the trade.” He knows the South participated in the last presidential election; and, as you intimate (for ulterior purposes), was not unwilling to secure the election of Mr. Lincoln. The South had majorities in both branches of Congress. The Supreme Court of the United States, for years, had exhibited very strong Southern proclivities, not to say great pliability—as in the Dred Scott decision. But the case is most happily stated, and summed up, by Mr. Van Buren in his recent speech in this city. He said: “They (the Southern men) assumed to set up a Government under the right which they claimed to destroy the Union. They formed a Congress and elected a President. But they were not con-

tent with this. They seized the property of the United States—they seized its forts, its ships, its treasure. They fired upon the flag of the United States at Fort Sumter, and claimed the right to exercise the power of a sovereign Government. Now, you will bear in mind—every fair-minded man in the United States will bear in mind—that up to this time not one hair of their heads had been injured. No right of any Southern man had been invaded. History will record that the world never witnessed a rebellion against a Governmental authority before where the rebels could not lay their finger upon a thing to show that either their property, their liberty, or their rights had been, in the slightest particular, invaded.”

“Still,” you may say, “from his stand-point the Southern man felt aggrieved.” Then, I say, he not only took a wrong stand, but with his knowledge of the Constitution and the Government of his country he deliberately chose the wrong. It is possible that slavery had so dimmed the sight within, “that he could not see his own darkness,” but he is responsible for that. The darkness is a mere consequence of slavery. A New-Zealander roasts a Missionary for breakfast, and does it conscientiously, from his stand-point, but does that make it any the less barbarous? What ex-

cuse, then, to say nothing of justification, can you offer for this attempt to commit a murder, which, however, bids fair to turn out a suicide!

I cannot agree with you that "History is proverbial for repeating itself," &c. In any large, comprehensive view of history, this is not true. As well might it be said, sunsets are fond of repeating themselves. It is true the sun sets daily, but never twice alike. Every sunset sees nature building "some *new* castle in the sky." History, too, is made and written day by day, but no day is the repetition of any preceding one. Galileo, as he was led to prison, said of the physical world—"Still it moves." So may it with equal truth and propriety be said of the moral world—Still it moves! Man is being educated constantly. From the earliest gropings of his undeveloped intellect and dim moral preceptions, to the present hour, man has been led upward and onward. With clearer and clearer glimpses of the designs of Providence in regard to him; with fuller and higher aspirations after the Infinite and the True. The *new* of yesterday is the *old* of to-day. Man, as now seen in his religious, intellectual, scientific, social and governmental developments, is quite a different being from the man who existed with superstition for his religion, astrology for his science,

a grand tyrant to rule the State, and a petty tyrant the home. Now what is true of individual man is true of collective manhood. History is not duplicated, but conforms itself to the growth of the world. This is true, however, only of the world of progress, the world of ideas, in a government of freedom and universal justice. The South, I fear, with its peculiar institution, was a type of the darker ages. This revolution in that land of oppression may, and I trust will, introduce the new principles essential to its growth and welfare, while the old destructive elements of society and government shall be forever abolished with slavery.

With great respect, yours,

J. E. W.

